

AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 538**

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**Introduced by Senator Battin**

February 22, 2007

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An act to amend Sections 18000, 18007, 18008, ~~and 18008.7~~ 18008.7, and 18028 of, and to amend the heading of Part 2 (commencing with Section 18000) of Division 13 of, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 538, as amended, Battin. Manufactured housing.

Existing law defines the terms “mobilehome” and “manufactured housing” similarly for certain purposes.

This bill would establish a separate definition for each of the specified terms and would make conforming changes in related provisions of existing law.

*The bill would require the specified definitions for “mobilehome” and “manufactured home” to be the operative definitions for the purpose of delineating the permissible scope of work for the General Manufactured Housing Contractor (C-47) license classification set forth in specified state regulations.*

*The bill would require the Department of Housing and Community Development to adopt regulations for the construction, alteration, or conversion of commercial modulars, as defined, based on the California Buildings Standards Code.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The heading of Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code is amended to read:

PART 2. MANUFACTURED HOUSING

SEC. 2. Section 18000 of the Health and Safety Code is amended to read:

18000. (a) This part shall be known and may be cited as the Manufactured Housing Act of 1980.

(b) The Legislature finds and declares all of the following:

(1) Manufactured housing, both in mobilehome parks or manufactured housing communities, and outside of those parks or communities, provides a safe and affordable housing option for many Californians.

(2) Confusion exists among consumers, enforcement agencies, lenders, and others in the housing industry regarding the difference between “manufactured housing” and “mobilehomes.” All single-family factory-constructed housing built on or after June 15, 1976, that is in compliance with the standards of the United States Department of Housing and Urban Development promulgated under the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401 and following) are manufactured housing or manufactured homes, not “mobilehomes” and, as such, often are subject to additional benefits.

(3) Continued use of the term “mobilehome” in various statutes, as well as the implication that the terms are interchangeable, exacerbates the confusion between the two products and deters affordable financing, discourages use in certain localities, and perpetuates incorrect perceptions as to codes and standards.

(4) The changes made by the act adding this subdivision to clarify the meaning of the terms “mobilehomes” and “manufactured homes” are not intended to effect any substantive change with respect to the treatment of those housing products *or to the consumer protections provided for those housing products*.

SEC. 3. Section 18007 of the Health and Safety Code is amended to read:

1 18007. (a) “Manufactured home,” for the purposes of this part,  
2 means a structure that was constructed on or after June 15, 1976,  
3 is transportable in one or more sections, is eight body feet or more  
4 in width, or 40 body feet or more in length, in the traveling mode,  
5 or, when erected on site, is 320 or more square feet, is built on a  
6 permanent chassis and designed to be used as a single-family  
7 dwelling with or without a foundation when connected to the  
8 required utilities, and includes the plumbing, heating, air  
9 conditioning, and electrical systems contained therein.  
10 “Manufactured home” includes any structure that meets all the  
11 requirements of this paragraph except the size requirements and  
12 with respect to which the manufacturer voluntarily files a  
13 certification and complies with the standards established under the  
14 National Manufactured Housing Construction and Safety Act of  
15 1974 (42 U.S.C., Sec. 5401, et seq.).

16 (b) Notwithstanding any other provision of law, if a codified  
17 provision of state law uses the term “manufactured home,” and it  
18 clearly appears from the context that the term “manufactured home”  
19 should apply only to manufactured homes, as defined under  
20 subdivision (a), the codified provision shall apply only to those  
21 manufactured homes. If any codified provision of state law, by its  
22 context, requires that the term applies to manufactured homes or  
23 mobilehomes without regard to the date of construction, the  
24 codified provision shall apply to both manufactured homes, as  
25 defined under subdivision (a), and mobilehomes as defined under  
26 Section 18008.

27 (c) *Notwithstanding any other provision of law, the definition*  
28 *of “manufactured home” set forth in this section, and the definition*  
29 *of “mobilehome” set forth in Section 18008, shall be the operative*  
30 *definitions for the purpose of delineating the permissible scope of*  
31 *work for the General Manufactured Housing Contractor (C-47)*  
32 *license classification set forth in Section 832.47 of Division 8 of*  
33 *Title 16 of the California Code of Regulations.*

34 SEC. 4. Section 18008 of the Health and Safety Code is  
35 amended to read:

36 18008. (a) “Mobilehome,” for the purposes of this part, means  
37 a structure that was constructed ~~on or after~~ *prior to* June 15, 1976,  
38 is transportable in one or more sections, is eight body feet or more  
39 in width, or 40 body feet or more in length, in the traveling mode,  
40 or, when erected onsite, is 320 or more square feet, is built on a

1 permanent chassis and designed to be used as a single-family  
2 dwelling with or without a foundation when connected to the  
3 required utilities, and includes the plumbing, heating, air  
4 conditioning, and electrical systems contained therein.  
5 “Mobilehome” includes any structure that meets all the  
6 requirements of this paragraph and complies with the state  
7 standards *for mobilehomes* in effect at the time of construction.  
8 “Mobilehome” does not include a commercial modular, as defined  
9 in Section 18001.8, factory-built housing, as defined in Section  
10 19971, a manufactured home, as defined in Section 18007, or a  
11 recreational vehicle, as defined in Section 18010.

12 (b) Notwithstanding any other provision of law, if a codified  
13 provision of state law uses the term “mobilehome,” and it clearly  
14 appears from the context that the term “mobilehome” should apply  
15 only to mobilehomes, as defined under subdivision (a), the codified  
16 provision shall apply only to those mobilehomes. If any codified  
17 provision of state law, by its context, requires that the term applies  
18 to mobilehomes or manufactured homes without regard to the date  
19 of construction, the codified provision shall apply to both  
20 mobilehomes, as defined under subdivision (a), and manufactured  
21 homes as defined under Section 18008.

22 SEC. 5. Section 18008.7 of the Health and Safety Code is  
23 amended to read:

24 18008.7. (a) “Multifamily manufactured home,” for the  
25 purposes of this part, means either of the following:

26 (1) A structure transportable under permit in one or more  
27 sections, designed and equipped to contain not more than two  
28 dwelling units, a dormitory, or an efficiency unit, to be used either  
29 with a support system pursuant to Section 18613 or a foundation  
30 system pursuant to Section 18551 system.

31 (2) A structure transportable under permit in one or more  
32 sections, designed to be used with a foundation system for three  
33 or more dwelling units, as defined by Section 18003.3.

34 (b) Multifamily manufactured homes shall be constructed in  
35 compliance with applicable department regulations. The egress  
36 and fire separation requirements of Title 24 of the California Code  
37 of Regulations applicable to dormitories, hotels, apartment houses,  
38 and structures that contain two dwelling units shall also be  
39 applicable to all multifamily manufactured homes constructed for  
40 those purposes. The accessibility and adaptability requirements of

1 Title 24 of the California Code of Regulations applicable to  
2 dormitories shall also be applicable to multifamily manufactured  
3 homes containing three or more dwelling units.

4 (c) Notwithstanding any other provision of law, all provisions  
5 of law that apply to manufactured homes shall apply equally to  
6 multifamily manufactured homes, except as provided in this  
7 section.

8 (d) For purposes of this section:

9 (1) "Dormitory" means a room or rooms inhabited for the  
10 purposes of temporary residence by two or more persons.

11 (2) "Efficiency unit" has the same meaning as defined in Section  
12 17958.1.

13 (3) "Multiunit manufactured housing" has the same meaning  
14 as "multifamily manufactured home," as that term is defined in  
15 this section.

16 *SEC. 6. Section 18028 of the Health and Safety Code is*  
17 *amended to read:*

18 18028. (a) The department may adopt regulations ~~for~~ regarding  
19 the construction of commercial ~~coaches~~ *modulars* and special  
20 purpose commercial ~~coaches~~; *modulars, other than mobile food*  
21 *facilities subject to Article 11 (commencing with Section 114250)*  
22 *of Chapter 4 of Part 7 of Division 104, and of multiunit*  
23 *manufactured housing, manufactured homes, and mobilehomes*  
24 *that are not subject to the National Manufactured Housing*  
25 *Construction and Safety Act of 1974 (42 U.S.C. Sec. 5401 et seq.)*  
26 *that ~~it~~ the department determines are reasonably necessary to*  
27 *protect the health and safety of the occupants and the public.*

28 (b) Requirements for the construction, alteration, or conversion  
29 of commercial ~~coaches~~ *modulars* shall be those contained, with  
30 reasonably necessary additions ~~thereto~~, or deletions ~~therefrom~~, as  
31 adopted by department regulations, in all of the following:

32 (1) The 1991 Edition of the Uniform Building Code, published  
33 by the International Conference of Building Officials.

34 (2) The 1993 Edition of the National Electrical Code, published  
35 by the National Fire Protection Association.

36 (3) The 1991 Edition of the Uniform Mechanical Code,  
37 published jointly by the International Conference of Building  
38 Officials and the International Association of Plumbing and  
39 Mechanical Officials.

(4) The 1991 Edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials.

(c) (1) ~~The department shall, on or after January 1, 1994, adopt by regulations the most recent editions of the codes specified in subdivision (b) within one year from their publication date, with appropriate additions or deletions~~ 2008, *adopt regulations for the construction, alteration, or conversion of commercial modulars based on Parts 2, 3, 4, 5, and 6 of the California Building Standards Code, as contained in Title 24 of the California Code of Regulations, with appropriate additions, deletions, and other implementing provisions. The regulations adopted under this paragraph shall be placed within Title 25 of the California Code of Regulations.* ~~The~~

(2) ~~The~~ requirements promulgated by the department pursuant to this section shall only apply to the construction, alteration, and conversion of commercial ~~coaches~~ *modulars*, and not to the use or operation ~~thereof~~ *of commercial modulars*.

(d) No municipality shall prohibit the use of ~~a commercial coach~~ *modulars* that ~~bears~~ *bear* a valid decal and insignia, based on the date the insignia was issued.

CORRECTIONS:

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